

**SUPPLEMENT  
TO THE  
REPORT TO THE CITY COUNCIL  
FOR THE  
MERGER OF THE  
MILPITAS REDEVELOPMENT  
PROJECT AREA NO. 1  
AND THE  
GREAT MALL REDEVELOPMENT PROJECT**

PREPARED FOR:

**THE REDEVELOPMENT AGENCY  
OF THE CITY OF MILPITAS**

PREPARED BY:

**KEYSER MARSTON ASSOCIATES, INC.**

NOVEMBER 2006

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Development

## **I. INTRODUCTION**

### **A. REASONS FOR THE PREPARATION OF A SUPPLEMENT TO THE REPORT TO THE CITY COUNCIL**

As required by Section 33352 of the California Community Redevelopment Law (CRL), the Redevelopment Agency of the City of Milpitas ("Agency") prepared a Report to the City Council of the City of Milpitas ("Report") for the proposed merger ("Merger" or "Amendments") of the Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project ("Project Areas" or "Projects"). The Agency Board approved the Report and authorized the transmittal of the Report to the City Council of the City of Alameda ("City Council") on October 17, 2006. The City Council will review and consider the information within the Report as part of its consideration of the proposed Merger. The City Council and Agency Board are scheduled to hold a joint public hearing as authorized by CRL Section 33355 to consider the proposed Merger on November 21, 2006, with final consideration at a subsequent meeting.

Since the completion and distribution of the Report to the City Council, certain actions or events have occurred that supplement the information contained within the Report. At the time the Agency Board approved the Report, the 45-day review period for the Supplemental Environmental Impact Report (SEIR) prepared for the proposed Merger had not ended. The review has now ended and the final SEIR is completed and incorporated by reference within this Supplement to the Report to the City Council ("Supplement"). Furthermore, the Agency had scheduled, but not conducted, two community information meetings on the proposed Merger. A summary of the community information meetings are now included within this Supplement. Also, for information purposes, the Agency Board/City Council resolutions consenting to holding a joint public hearing are also included in this Supplement, as well as a copy of the notice of the joint public hearing that was sent first class mail to all property owners, residents and business owners within the Project Areas. Finally, the notice of the joint public hearing that was sent certified mail to the affected taxing agencies, and the letter notifying the State of California - Department of Housing and Community Development of the proposed Merger, are also included in this Supplement.

## **B. ORGANIZATION OF THE SUPPLEMENT**

The part and section numbers contained in this Supplement correspond to the part and section numbers used in the Report on the proposed Merger. The following pages contain the whole section of each section within the Report that was updated with additional information. This Supplement addresses the following sections within the Report:

1. Community Consultations (Section VIII) – incorporates revisions to the 3<sup>rd</sup> and 4<sup>th</sup> paragraphs of this section. These revisions include incorporating a summary of the community information meetings; the inclusion of the Agency and City Council resolutions consenting to holding a joint public hearing as part of the attachments; a summary of the joint public hearing mailing; and inclusion of the Agency's letter notifying the State of California - Department of Housing and Community Development of the proposed Merger.
2. Environmental Compliance SEIR (Section IX) – incorporates revisions to the last paragraph of this section. These revisions include references to the end of the 45-day review period, the comments received on the draft SEIR, and that the final SEIR is incorporated into the Report by reference.
3. Summary of Consultations with Affected Taxing Agencies (Section XI) – incorporates revisions to sub-section B., "Summary of Consultations with Affected Taxing Agencies" to include the notice of the joint public hearing sent by certified mail to the affected taxing agencies.

## VIII. COMMUNITY CONSULTATIONS

Section 33352(i) of the CRL requires that the Agency's Report to the City Council contain the summary referred to in Section 33387. Section 33387 of the CRL refers to the consultations with the PAC, if any.

There is no existing PAC for either of the existing Project Areas. On August 1, 2006, the City Council by Resolution No. 7613, found and determined that the proposed Amendments do not include a provision to grant additional authority to acquire by eminent domain or add territory to the existing Project Areas; therefore, a PAC was not required to be formed in connection with the proposed Amendments (Appendix D of the Report).

In lieu of a PAC, the Agency consulted with and obtained the advice of property owners, business owners, tenants, community organizations, and other interested parties at a community information meeting on November 1, 2006 (no one attended the October 18, 2006 scheduled meeting). Notice of the meeting was mailed to all of the occupants and property owners within the Project Areas in conjunction with the notice on the joint public hearing on the Merger adoption and published on October 19 and 26, 2006, in the *Milpitas Post*. This meeting consisted of a PowerPoint presentation including an overview of redevelopment in Milpitas, the purposes of the proposed Merger, and the environmental effects of the proposed Merger, followed by a comment, question and answer session. A copy of the PowerPoint presentation and a summary of the November 1, 2006 community information meeting is included within this Supplement as Attachment A. Copies of the Redevelopment Plans, proposed Amendments and map of the Project Areas were available for review at this community information meeting.

In addition to the community information meeting described above, the Agency and the City Council will also consult and obtain the advice of property owners and occupants on the adoption of the Amendments at a joint public hearing scheduled for November 21, 2006. On October 17, 2006, the Agency Board, by Resolution No. RA270, and the City Council, by Resolution No. 7632, consented to holding the joint public hearing on the proposed Amendments for November 21, 2006. The Agency and City Council resolutions are included within this Supplement as Attachment B. Per CRL Section 33452, the Agency sent a first class mailing containing the required notice of public hearing to the last known assessee (the "property owner") of each parcel of land and to all residents and businesses within the Project Areas. This is the same notice referenced above which also included the notice of a community information meeting (see Attachment C of this Supplement). This notice explained the purpose of the joint public hearing and contained other pertinent information such as the meeting dates, times and locations. The notice of joint public hearing was also published in the *Milpitas Post* for at least four (4) consecutive weeks in compliance with the CRL. In addition to the mailing and publication noted above, notice of the joint public hearing was published on November 2, 9, and 16, 2006 for a total of five consecutive weeks.

Finally, in accordance with CRL Section 33488, the Agency on October 19, 2006 notified the State of California - Department of Housing and Community Development of its intention to merge the Great Mall Redevelopment Project and the Milpitas Redevelopment Project Area No. 1. A copy of this letter is included in this Supplement as Attachment D.

## **IX. ENVIRONMENTAL COMPLIANCE (SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT)**

Section 33352 (k) of the CRL requires that the Agency's Report to the City Council contain the Report required by Section 21151 of the Public Resources Code (environmental compliance document). The proposed Merger is intended to continue and improve the Agency abilities to implement economic development and housing opportunity improvement objectives established in the previously-adopted Redevelopment Plans. The growth-inducing (urban intensification) effects of the Redevelopment Plans for Project No. 1 and the Great Mall Project, and subsequent amendments, have been and will continue to be dictated by the City of Milpitas General Plan and associated zoning controls. The overall, growth-inducing effects and associated environmental impacts of the Redevelopment Plans and subsequent amendments have been adequately addressed in the previous Agency-certified Environmental Impact Reports and Agency-adopted Mitigated Negative Declarations.

Pursuant to Section 15163 (Supplement to an EIR of the CEQA Guidelines), a SEIR was prepared for the proposed Merger and included only the information necessary to make the previous CEQA documentation adequate for the Redevelopment Plans as amended. The overall growth-inducing effects of the proposed Merger and the merger-enabled sign improvements will, by law, continue to be dictated by the same General Plan and zoning controls, and will therefore fall within the growth scenarios addressed in the previous CEQA documents. The scope of the SEIR was limited to evaluation of the added impacts of new actions facilitated by the Merger, especially the potential impacts of the highway sign construction and renovation. The SEIR is included under a separate cover as an attachment to this Report and is incorporated herein by this reference.

The Notice of Preparation/Initial Study (included within the SEIR) identified the following issues as having no impacts as a result of the implementation of the proposed Amendments; therefore, no additional analysis within the SEIR was necessary:

- Agricultural Resources
- Mineral Resources
- Biological Resources
- Hydrology/Water Quality
- Public Services and Facilities
- Utilities
- Transportation/Traffic
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Population and Housing
- Recreation
- Air Quality

Based upon the Notice of Preparation/Initial Study, the following issues have been identified as having potential environment impacts as a result of the implementation of the proposed Amendments; therefore, an analysis of these issues is included within the SEIR:

- Land Use and Planning
- Aesthetics
- Noise

All of the impacts associated with the issues listed above were determined not to have a significant impact as a result of the proposed Amendments, except for the following:

- Aesthetics (Visual Factors)

**Potential Adverse Impact of Advertising Signs on Community Character and Image.** By design, the new and renovated or replaced advertising signs would be highly prominent in the freeway view. When viewed from most freeway vantage points, the signs would extend significantly above the existing urban plane and would be seen against the open sky, attracting the focus of freeway drivers in the sign vicinity. The height and form of the proposed advertising signs could be perceived by many viewers as visually incongruous elements, having a substantially negative effect on the freeway driving experience. The internal illumination and, especially, the nighttime illumination aspects of the proposed electronic message board components of the advertising signs would exacerbate this perceived effect. This combination of adverse visual effects would represent a significant adverse visual impact.

**Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses.** The precise location of the proposed new freeway advertising signs has not yet been determined. If directly visible from adjacent or nearby visually-sensitive vantage points, including existing residential properties and hotel suites, the height, scale and form of the proposed new advertising signs proposed for location adjacent to the southbound I-680 approaches to Jacklin Road and Calaveras Boulevard and southbound I-880 approach to Calaveras Boulevard/Alviso-Milpitas Road/SR 237, could be perceived as visually outsized and obtrusive, with substantially adverse effects on the quality of these views. This effect could also be substantially exacerbated by the proposed internal illumination and, especially, nighttime illumination aspects of the proposed electronic message board components. This combination of adverse visual effects would represent a significant adverse visual impact.



- Land Use and Planning

**Adverse Land Use Compatibility Impacts.** The proposed merger-enabled new advertising signs and renovated or replaced existing advertising signs may result in perceived height and scale incongruities and light and glare impacts that would be incompatible with existing residential and commercial lodging (hotel) land uses in the sign vicinities. These potential incompatibility effects, which are further described in the SEIR under Impacts 4-2 (Potential Height and Scale Incongruities with Existing Adjacent Landscapes), 4-3 (Potential Impacts on Views from Nearby Residential and Hotel Uses) and 4-4 (Potential Light and Glare Impacts), would represent a significant adverse land use compatibility impact.

A statement of overriding consideration will have to be prepared and adopted by the Agency and City Council for those unavoidable significant adverse impacts identified above.

On September 18, 2006, the Draft SEIR was circulated to the affected taxing entities and responsible entities for a 45-day review period beginning on September 20, 2006, and ending on November 3, 2006. During the 45-day review period the Agency received comments on the Draft SEIR from the following:

- Santa Clara Valley Transportation Authority – Had no specific comments on the proposed Amendments at this time.
- County of Santa Clara (Roads and Airports Departments) – Had no comments except for any work or lane closure within the County right-of-way will require an encroachment permit.
- California Department of Transportation – The following comments were submitted:
  1. Proposed advertising signs should not block views of ramp metering signs and signs and signals from motorists, California Highway Patrol enforcement areas and ramp metering maintenance work areas;
  2. All existing and operational traffic operating system elements must be kept operational throughout the construction phase. Any traffic operating system elements that may be affected by this project, must be relocated, modified or fully replaced as necessary;
  3. Proposed redevelopment displays may only be erected in the actual redevelopment zone; otherwise normal outdoor advertising permits would be

required by the Department prior to the erection of displays. If a permit is issued, only businesses within the redevelopment zone may advertise on the display; and

4. Any work or traffic control within the State right-of-way will require an encroachment permit from the Department.

All comments received on the Draft SEIR and the Agency's responses are provided under a separate cover as part of the Final SEIR, and will be presented to the Agency and City Council prior to the adoption of the proposed Amendments. The Agency proposes to approve the Final SEIR at the joint public hearing on the proposed Merger, tentatively scheduled for November 21, 2006.

**XI. REPORT OF THE COUNTY FISCAL OFFICER AND THE AGENCY'S ANALYSIS THEREOF, INCLUDING A SUMMARY OF CONSULTATIONS WITH AFFECTED TAXING AGENCIES**

Pursuant to Section 33352(n) of the CRL, the Report to the City Council must include an analysis of the Fiscal Officer's Report and must include a summary of consultations of the Agency, or attempts to consult by the Agency, with each of the affected taxing agencies. If any of the affected taxing agencies have expressed written objections or concerns with the proposed Amendments as part of these consultations, the Agency shall include a response to these concerns, additional information, if any, and, at the discretion of the Agency, proposed or adopted mitigation measures.

**A. THE REPORT OF THE COUNTY FISCAL OFFICER AND ANALYSIS THEREOF**

The proposed Amendments do not include adding territory to the Project Areas. Therefore, a fiscal officer's report prepared by the Santa Clara County Auditor-Controller's Office is not required as part of the adoption process for the proposed Amendments.

**B. SUMMARY OF CONSULTATIONS WITH AFFECTED TAXING ENTITIES**

Section 33328 of the CRL requires the Agency, prior to the publication of a notice of the joint public hearing on the proposed Amendments, to consult with each affected taxing agency with respect to the Amendments' impact on the allocation of tax increment revenues.

On August 1, 2006, the Agency, by Resolution No. RA 261, approved the Preliminary Report and draft Amendments and authorized transmittal of the draft Amendments to the Planning Commission of the City of Milpitas, and authorized the transmittal of the Preliminary Report and proposed Amendments to all affected taxing entities (see Appendix B of the Report). Agency staff, on August 3, 2006, sent the proposed Amendments and Preliminary Report and related cover letter to all affected taxing entities as part of the consultation process for the proposed Amendments (see Appendix E of the Report for example letter and the proposed Amendments). The letter urged all affected taxing entities to contact the Agency regarding questions concerning the proposed Amendments. To date, the Agency has not received any inquiries or comments from the affected taxing entities on the proposed Amendments.

Finally, in accordance with CRL Section 33349(d), on October 18, 2006, the Agency sent to all of the affected taxing entities by certified mail a notice of joint public hearing, which is scheduled for November 21, 2006. A copy of the joint public hearing notice that was sent is included in this Supplement as Attachment C.

## **ATTACHMENT A**

### **SUMMARY OF THE COMMUNITY INFORMATION MEETING**

Meeting Summary  
Community Meeting For the  
Proposed Merger of the  
Milpitas Redevelopment Project Area No. 1 and  
The Great Mall Redevelopment Project Area

November 1, 2006

Attendees: See attached sign in sheets.

The meeting began at 6:30 p.m. with 11 individuals. Eventually 10 additional attendees arrived for a total of 21 participants. Diana Whitecar, Economic Development Manager, represented city staff and made the staff presentation.

Ms. Whitecar gave the attached Power Point presentation, inviting questions as the presentation progressed. Most of the comments reflected confusion over the intent or purpose of the proposed merger amendments and how the proposed amendments related to the City's Transit Area Plan project. There was also confusion about whether or not the proposed amendments impacted the Agency's eminent domain authority.

Several attendees expressed interest in the proposed freeway signs with electronic message boards. Most of the individuals speaking recommended that any new freeway sign that had an electronic or digital component not be placed within proximity to residential. Those commenting did not specify a certain distance and suggested that common sense should prevail in locating of any new freeway signs near residential areas. Staff indicated that these comments would be presented to the City/Agency as part of the final reports on the proposed amendments. It was recommended that a property value impact analysis be completed for each new freeway sign location, especially as it relates to residential impacts. Aside from these comments, there was general support for new freeway signs along 880 and along 680 near commercial areas.

There was concern about the use of eminent domain. Staff explained that this right already existed for the two portions of Project Area No. 1 that were brought into the Redevelopment Agency in 2003. Staff further explained that the proposed merger amendments would not change this status. This led to a discussion on eminent domain, with several expressing concern about the potential use of eminent domain. One attendee observed that eminent domain could be an effective tool in very specific cases. Staff explained that if Proposition 90 passed, then the Agency's eminent domain authority would be significantly negated.

Several attendees expressed confusion about how the proposed merger amendments related to the ongoing Transit Area Plan (TAP) study. After the meeting adjourned, several of these interested attendees stayed to discuss the TAP and left with a better understanding of the proposed merger amendments.

There was also discussion about the need to strengthen the Milpitas image and to promote all the assets of the City. Those speaking about this indicated support for the proposed freeway signs.

Towards the end of the meeting, the Main Street Precise Plan was also discussed and staff explained the relationship of the Precise Plan to the proposed merger amendments.

Respectfully submitted,

Diana Whitecar  
Economic Development Manager

Community Meeting for the Proposed  
Merger of the Milpitas Redevelopment  
Project Area No. 1 and the Great Mall  
Redevelopment Project Area

November 1, 2006

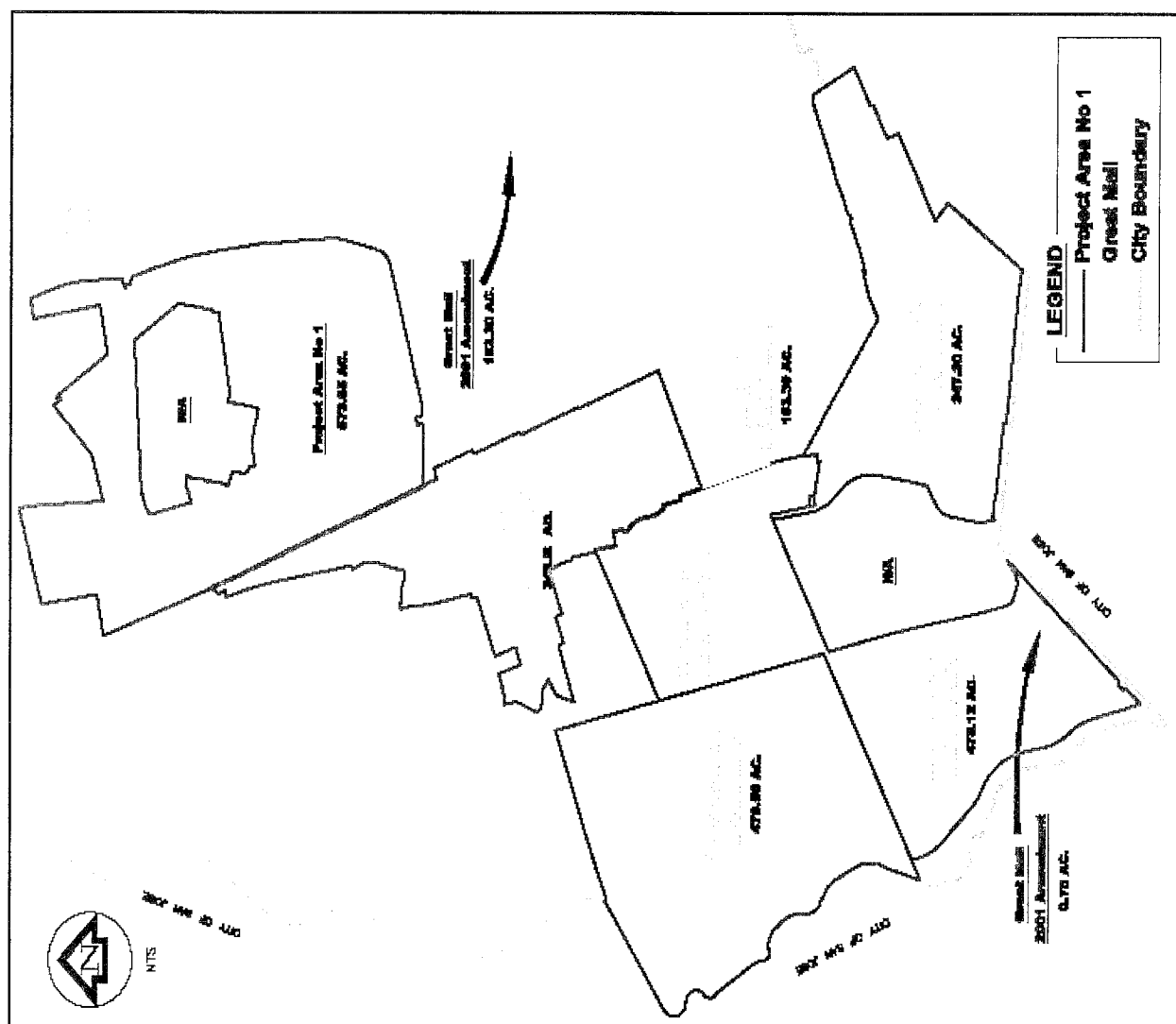


# Proposed Redevelopment Plan Merger Amendments

- Purpose of the Proposed Plan Amendments
- What is Redevelopment?
- History of Redevelopment in Milpitas
- Comments, Questions, Next Steps

# Purpose of Proposed Redevelopment Plan Amendments

- Facilitate and increase the economic viability of the Great Mall Shopping Center and other project area businesses by increasing their visibility through freeway signage, and
- Create financial flexibility for the Redevelopment Agency to utilize tax increment funds in both project areas.



# What is Redevelopment?

- A Redevelopment Agency is a separate political unit from the City.
- Redevelopment is a process to assist a community achieve its goals for development, reconstruction, rehabilitation, community facilities, infrastructure and affordable housing.
  - Occurs within a defined geographical area.
  - Occurs after the adoption of a Redevelopment Plan.
  - Allows a City to retain a larger percent of the growth of property taxes through a “tax increment” .
- Milpitas activated the Redevelopment Agency on June 3, 1958 and the City Council declared itself the Redevelopment Agency.

# Milpitas Redevelopment Agency:

## Project Area No. 1

- Established in 1976 consisting mainly of the Town Center Area.
- Amendments 1 and 2 nearly tripled the size of the Project Area to add nearly 1,000 acres
- Amendment 3 made technical changes and, along with
- Amendment 4, increased the tax increment limit
- Amendment 5 addressed housing set asides
- Amendment 6 amended time limits in accordance with AB 1290
- Amendment 7 increased tax increment limits, increased bond debt limit and extended the debt establishment time limit

# Milpitas Redevelopment Agency:

## Project Area No. 1

- Amendment 8 (2003) added nearly 700 acres, approved eminent domain to non-residential properties in the new area, increased tax increment and bond indebtedness limits, revised and updated the Plan to conform with Ca. Red. Law (CRL)
- Amendments 9 and 10 extended the time limit of plan effectiveness in accordance with SB 1045 and SB 1096 (ERAF)
- *Amendment 11 (currently proposed) will merge the Project Area with the Great Mall Project Area*

# Milpitas Redevelopment Agency: The Great Mall Project Area

- Established in 1993
- Amendment 1 brought the project area into conformity with AB 1290
- Amendment 2 added slightly less than 1 acre in two separate properties for two existing freeway signs
- Amendment 3 extended the time limits of the project area in accordance with SB 1096
- *Amendment 4 (currently proposed) will merge the Project Area with Project Area No. 1*

# Project Area No. 1 Goals

- Transportation; Utilities and Public Infrastructure and Open Space
- *Commercial Rehabilitation – stimulate development; encourage economic pursuits; redevelopment areas that are stagnant or improperly utilized; provide opportunities for owner participation; publicize Milpitas as a place to to do business*
- Midtown: Land Use, Community Design, Circulation and Implementation



# Great Mall Project Area Goals

- Provide Opportunities for participation by owners in the revitalization of their properties
- *Strengthen the economic base of the Project area and the community by installation of needed off-site improvements to stimulate the commercial expansion, employment and economic growth*

# Purpose of Proposed Redevelopment Plan Amendments

- Facilitate and increase the economic viability of the Great Mall Shopping Center and other project area businesses by increasing their visibility through freeway signage, and
- Create financial flexibility for the Redevelopment Agency to utilize tax increment funds in both project areas.

## California Outdoor Advertising Act

- Applies to placement of advertising displays within 660 feet from the edge of the freeway/highway right-of-way
- Within a redevelopment project areas, businesses and activities can use these displays if the project area is
  - Contiguous or
  - Separated by only a public highway

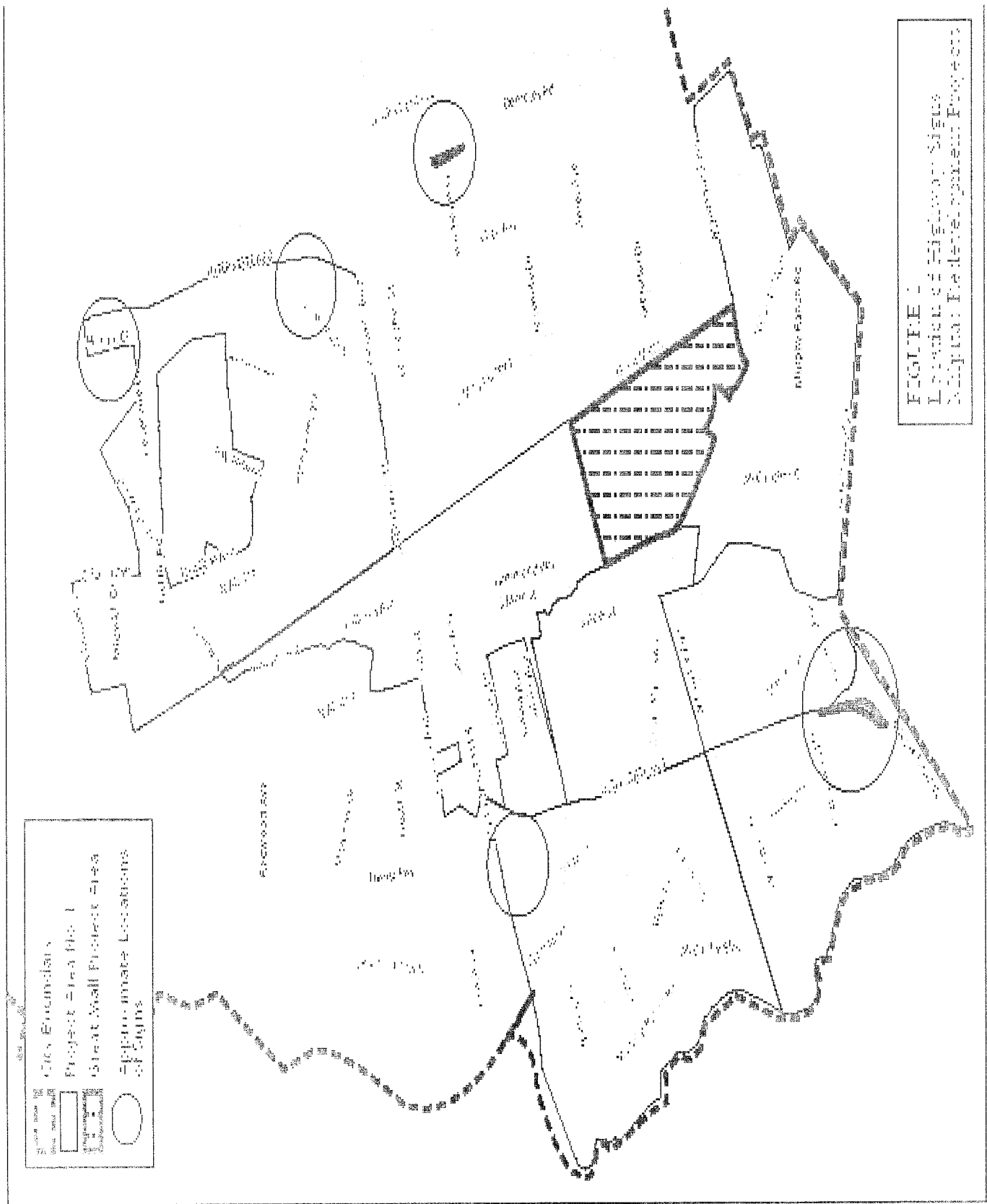


FIGURE 1  
 Location of Highway Signs  
 Subject: Federal Segment Projects

# Proposed Plan Amendment Projects

- Renovate two existing Great Mall freeway signs
- Install up to three new freeway signs
- Include electronic “reader board” components in at least two of the total five signs
- Up to 25 lower profile way finding signs along surface streets within redevelopment areas
- Freeway sign dimensions:
  - Top of sign maximum heights up to 60 – 70 feet
  - Rotating digital “spots” typically 8 seconds in duration in 24-hour rotations, visible from two sides



Visualization of proposed object from network (28) (see Fig. 22)

Figure 22

Figure 23

Figure 24

# Proposed Redevelopment Plan Amendment

Environmental Factors Potentially Affected:

- Aesthetics
- Noise
- Transportation/Traffic
- Mandatory Findings of Significance

# Proposed Redevelopment Plan Amendment

## Aesthetics

- May have significant adverse impacts on one or more scenic vistas as I-880 and I-680 are designated by the City General Plan as “scenic connectors”
- Nighttime views of lights



# Proposed Redevelopment Plan Amendment

## Noise

- Noise. Ground vibrations from installation and renovation could **temporarily** increase noise and ambient noise levels could increase around the electronic signs.

## Transportation/Traffic

Newness of signs could have some driver distraction impacts.

# Proposed Redevelopment Plan Amendment

## Next Steps

- Summarize comments from October 18<sup>th</sup> and November 1<sup>st</sup> Community meetings on the proposed plan amendments for City Council/Redevelopment Agency review.
- City /Agency Public Hearing on proposed amendments – November 21<sup>st</sup>

**ATTACHMENT B**

**CITY COUNCIL AND AGENCY RESOLUTIONS  
CONSENTING TO A JOINT PUBLIC HEARING**

RESOLUTION NO. RA270

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF  
MILPITAS REQUESTING A JOINT PUBLIC HEARING OF THE CITY  
COUNCIL OF THE CITY OF MILPITAS AND THE MILPITAS  
REDEVELOPMENT AGENCY ON PROPOSED REDEVELOPMENT PLAN  
AMENDMENTS AND ON THE SUPPLEMENTAL ENVIRONMENTAL  
IMPACT REPORT PREPARED IN CONNECTION THEREWITH

**WHEREAS**, the City Council of the City of Milpitas ("**City Council**") originally approved and adopted the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1 ("**Project Area No. 1**") by Ordinance No. 192 on September 21, 1976 (as subsequently amended, hereafter the "**Project Area No. 1 Plan**"); and

**WHEREAS**, the City Council originally approved and adopted the Redevelopment Plan for the Great Mall Redevelopment Project Area (the "**Great Mall Project Area**") by Ordinance No. 192.8 adopted on November 2, 1993 (as subsequently amended, hereafter the "**Great Mall Plan**"); and

**WHEREAS**, Milpitas Redevelopment Agency ("**Agency**") staff and consultants have prepared proposed plan amendments ("**Plan Amendments**") that would effectuate a merger of Project Area No. 1 and the Great Mall Project Area; and

**WHEREAS**, pursuant to Health and Safety Code Section 33344.5, Agency staff and consultants prepared a Preliminary Report which describes and analyzes conditions in Project Area No. 1 and the Great Mall Project Area, the financial resources and projected revenue available to carry out redevelopment activities in the project areas, and the proposed merger of the project areas and amendment of the redevelopment plans; and

**WHEREAS**, on August 1, 2006, the Agency authorized transmittal of the Preliminary Report and proposed Plan Amendments to affected taxing entities; and

**WHEREAS**, the Milpitas City Planning Commission has determined that the proposed Plan Amendments are consistent with the Milpitas General Plan; and

**WHEREAS**, in compliance with the California Community Redevelopment Law ("**CRL**") and the California Environmental Quality Act ("**CEQA**"), Agency staff and consultants have prepared a Supplemental Environmental Impact Report ("**SEIR**") which analyses the potential environmental effects of implementation of the proposed Plan Amendments; and

**WHEREAS**, Agency staff and consultants have prepared a Final Report to Council pursuant to CRL Section 33352 (the "**Report to Council**"); and

**WHEREAS**, CRL Sections 33451 and 33454 require both the Agency and the City Council to conduct hearings on the proposed Plan Amendments; and

**WHEREAS**, CRL Section 33458 authorizes the Agency and the City Council to hold a joint public hearing upon the consent of both.

**NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Agency hereby approves the Report to Council, authorizes transmittal of the Report to Council and the proposed Plan Amendments to the City Council, and hereby consents to the holding of a joint public hearing with the City Council to consider the Report to Council, the SEIR and the proposed Plan Amendments on November 21, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers.

Section 2. The Agency directs the Executive Director to comply with all noticing requirements for the joint public hearing set forth in the Community Redevelopment Law.

**PASSED AND ADOPTED** this 17<sup>TH</sup> day of October 2006, by the following vote:

AYES: (4) Chair Esteves, Vice Chair Gomez, and Agency Members  
Giordano and Polanski

NOES: (0) None

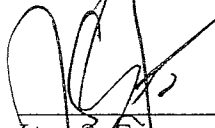
ABSENT: (1) Agency Member Livengood

ABSTAIN: (0) None


ATTEST:

  
Mary Lavelle, Agency Secretary

APPROVED:

  
Jose S. Esteves, Chair

APPROVED AS TO FORM:

  
Steven T. Mattas, Agency Counsel

RESOLUTION NO. 7632

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
CONSENTING TO A JOINT PUBLIC HEARING OF THE CITY COUNCIL OF  
THE CITY OF MILPITAS AND THE MILPITAS REDEVELOPMENT AGENCY  
ON PROPOSED REDEVELOPMENT PLAN AMENDMENTS AND ON THE  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PREPARED IN  
CONNECTION THEREWITH

WHEREAS, the City Council originally approved and adopted the Redevelopment Plan for the Milpitas Redevelopment Project Area No. 1 (**"Project Area No. 1"**) by Ordinance No. 192 on September 21, 1976 (as subsequently amended, hereafter the **"Project Area No. 1 Plan"**); and

WHEREAS, the City Council originally approved and adopted the Redevelopment Plan for the Great Mall Redevelopment Project Area (the **"Great Mall Project Area"**) by Ordinance No. 192.8 adopted on November 2, 1993 (as subsequently amended, hereafter the **"Great Mall Plan"**); and

WHEREAS, Milpitas Redevelopment Agency (**"Agency"**) staff and consultants have prepared proposed plan amendments (**"Plan Amendments"**) that would effectuate a merger of Project Area No. 1 and the Great Mall Project Area; and

WHEREAS, pursuant to Health and Safety Code Section 33344.5, Agency staff and consultants prepared a Preliminary Report which describes and analyzes conditions in Project Area No. 1 and the Great Mall Project Area, the financial resources and projected revenue available to carry out redevelopment activities in the project areas, and the proposed merger of the project areas and amendment of the redevelopment plans; and

WHEREAS, on August 1, 2006, the Agency authorized transmittal of the Preliminary Report and proposed Plan Amendments to affected taxing entities; and

WHEREAS, the Milpitas City Planning Commission has determined that the proposed Plan Amendments are consistent with the Milpitas General Plan; and

WHEREAS, in compliance with the California Community Redevelopment Law (**"CRL"**) and the California Environmental Quality Act (**"CEQA"**), Agency staff and consultants have prepared a Supplemental Environmental Impact Report (**"SEIR"**) which analyses the potential environmental effects of implementation of the proposed Plan Amendments; and

WHEREAS, Agency staff and consultants have prepared a Final Report to Council pursuant to CRL Section 33352 (the **"Report to Council"**), and the Agency has authorized transmittal of the Final Report and the proposed Plan Amendments to the City Council; and

WHEREAS, CRL Sections 33451 and 33454 require both the Agency and the City Council to conduct hearings on the proposed Plan Amendments; and

WHEREAS, CRL Section 33458 authorizes the Agency and the City Council to hold a joint public hearing upon the consent of both.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILPITAS DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The City Council accepts the Report to Council and hereby consents to the holding of a joint public hearing with the Agency to consider the Report to Council, the SEIR and the proposed Plan Amendments on November 21, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers.

Section 2. The City Council directs the City Clerk, in cooperation with the Agency, to comply with all noticing requirements for the joint public hearing set forth in the Community Redevelopment Law.

PASSED AND ADOPTED this 17<sup>TH</sup> day of October 2006, by the following vote:

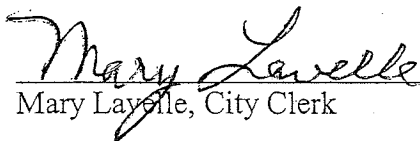
AYES: (4) Mayor Esteves, Vice Mayor Gomez, and Councilmembers  
Giordano and Polanski

NOES: (0) None

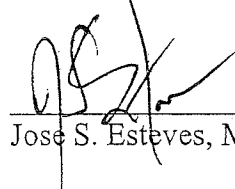
ABSENT: (1) Councilmember Livengood

ABSTAIN: (0) None


ATTEST:

  
Mary Layelle, City Clerk

APPROVED:

  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

  
Steven T. Mattas, City Attorney

**ATTACHMENT C**

**NOTICE OF COMMUNITY INFORMATION MEETING  
AND THE JOINT PUBLIC HEARING**





# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

October 19, 2006

RE: Notice of a Joint Public Hearing on Redevelopment Plan Amendments to  
Merge the Great Mall Redevelopment Project and  
Milpitas Redevelopment Project Area No. 1

Dear Property Owner/Business Owner/Resident:

The Redevelopment Agency of the City of Milpitas ("Agency") and the City Council of the City of Milpitas ("City Council") are in the final stages of considering the adoption of proposed amendments to merge ("Merger" or "Amendments") the Milpitas Redevelopment Project Area No. 1 ("Project No. 1") and the Great Mall Redevelopment Project ("Project Area" or "Projects"). In order to give all property and business owners, tenants and residents within the Project Area an opportunity to be heard, the City Council and the Agency have scheduled a joint public hearing for November 21, 2006, at 7:00 p.m. in the City Council Chambers, City Hall, 455 E. Calaveras Boulevard, Milpitas, California. This letter and the attached notice serve as notice of the joint public hearing on the proposed Merger and on the certification of the Supplemental Environmental Impact Report prepared in connection with the proposed Merger.

The proposed Merger would facilitate the revitalization of the Project Areas through increased economic activity and through increased and improved housing opportunities in or near such areas. The proposed Merger will help accomplish these objectives by, among other activities, enabling the installation along highway corridors of monument and digital message board signs that will advertise public events and private businesses within the two Project Areas in order to facilitate and increase the economic viability of the Great Mall Shopping Center and other businesses in the Merged Project Area. The proposed Amendments do not change the boundaries of the Project Areas, add territory to the Project Areas, or change any of the financial or time limits of the Redevelopment Plans for the respective Projects. The proposed Amendments will not alter the zoning or land use designation of any property within the Project Areas and will not increase property tax or other taxes levied on property within the Project Areas.

The existing Redevelopment Plans authorize the Agency to acquire property by negotiated voluntary sale, and in certain limited circumstances, by condemnation. It should be noted that the Agency does not have authority to acquire residential property by eminent domain, and the proposed Amendments do not provide such authority. In addition, the Agency is not authorized to use eminent domain to acquire property within the Great Mall Redevelopment Project Area or in any portion of Project Area No. 1 other than the "Midtown Area" which was added to the Project Area in 2003. Within that area, in

order to implement the Redevelopment Plan, the Agency may acquire property by condemnation in order to eliminate physical and economic blighting conditions, provide public improvements and permit development in accordance with the existing Redevelopment Plan. Therefore, if you own non-residential property within the Midtown Area of Project No. 1 – Amendment #8 areas - see attached map, your property is still subject to the possibility of Agency acquisition by condemnation under the circumstances set forth in the existing Redevelopment Plan. The proposed Merger does not grant the Agency additional authority to acquire properties by eminent domain nor does it extend the time period for commencement of eminent domain proceedings.

In addition to the joint public hearing on November 21, 2006, the Agency will hold a community information meeting (workshop) on Wednesday, November 1, 2006, at 6:30 p.m. at City Hall, 455 East Calaveras Boulevard, 4<sup>th</sup> Floor Conference Room, to discuss the proposed Merger and the other Agency-related projects and programs for the proposed Merged Project Area. We hope that you will be able to attend the community information meeting on Wednesday, November 1, 2006, and the joint public hearing on Tuesday, November 21, 2006.

If you have questions or comments about the community information meeting, the joint public hearing or the proposed Merger, you may call Diana B. Whitecar, Economic Development Manager, City of Milpitas, at (408) 586-3059.

Sincerely,

REDEVELOPMENT AGENCY OF  
THE CITY OF MILPITAS

A handwritten signature in cursive script that reads "Charles Lawson". The signature is written in black ink and is positioned above a horizontal line.

Charles Lawson  
Executive Director

**NOTICE OF JOINT PUBLIC HEARING  
OF THE MILPITAS CITY COUNCIL & MILPITAS REDEVELOPMENT AGENCY  
ON PROPOSED AMENDMENTS TO MERGE THE  
GREAT MALL REDEVELOPMENT PROJECT AND  
THE MILPITAS REDEVELOPMENT PROJECT AREA NO. 1,  
AND THE CERTIFICATION OF A SUPPLEMENTAL ENVIRONMENTAL  
IMPACT REPORT ON THE PROPOSED MERGER**

**NOTICE IS HEREBY GIVEN** that the Milpitas City Council and the Milpitas Redevelopment Agency will hold a joint public hearing on Tuesday, November 21, 2006, at 7:00 PM, in the Council Chambers, at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, to consider and act upon proposed Redevelopment Plan Amendments to merge ("Merger" or "Amendments") the Great Mall Redevelopment Project and Milpitas Redevelopment Project Area No. 1 ("Projects" or "Project Areas") and to consider all testimony for or against the adoption of the proposed Merger. No later than the hearing hour noted above, anyone may file written objections to the proposed merger with the Milpitas City Clerk. At the time of the hearing, any and all persons having any objections to the proposed Merger, or the regularity of any of the prior proceedings, may appear before the City Council/Agency and show cause why the proposed Merger should not be adopted. At the time for hearing any objections, the City Council/Agency shall proceed to hear all written and oral objections to the proposed Merger.

The purpose of the proposed Amendments is to merge the Project Areas ("Merged Project Area") in order to revitalize the Project Areas through increased economic vitality and through increased and improved housing opportunities in or near such areas. The proposed Merger will help accomplish these objectives by enabling the installation along highway corridors of monument and digital message board signs that will advertise public events and private businesses within the two Project Areas in order to increase the economic viability of the Great Mall Shopping Center and other businesses in the Merged Project Area. The proposed Amendments do not change the boundaries of the Project Areas, add territory to the Project Areas, or change any of the financial or time limits of the Redevelopment Plans for the respective Projects.

**NOTICE IS FURTHER GIVEN** that the City Council and the Agency will, at the same time and place, hold a joint public hearing to consider the Supplemental Environmental Impact Report on the proposed Amendments and consider all testimony for or against the certification of the Supplemental Environmental Impact Report. At the time noted above, all interested persons who wish to comment on the Supplemental Environmental Impact Report may appear before the City Council/Agency to be heard.

A map of the Merged Project Area is attached as Exhibit A and made a part hereof. A copy of the legal description of the boundaries of the Project Areas is available from the Milpitas City Clerk, City Hall, 455 E. Calaveras Blvd, Milpitas, CA.

If you wish to challenge in court the approval and adoption of the Amendments, the Supplemental Environment Impact Report or any related action or document, you may be limited to raising only those issues raised at the joint public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the joint public hearing.

Interested persons may inspect (or upon paying costs of reproduction, obtain) copies of the proposed Amendments, the Supplemental Environmental Impact Report, the Report of the Agency to the City Council on the Amendments, and any other pertinent information at the City Clerk's office, Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA.

A Public Workshop regarding the proposed Amendments will be held on Wednesday, November 1, 2006, at 6:30 PM, in the 4<sup>th</sup> Floor Conference Room, City Hall, 455 East Calaveras Blvd., Milpitas, CA.

Dated: October 12, 2006

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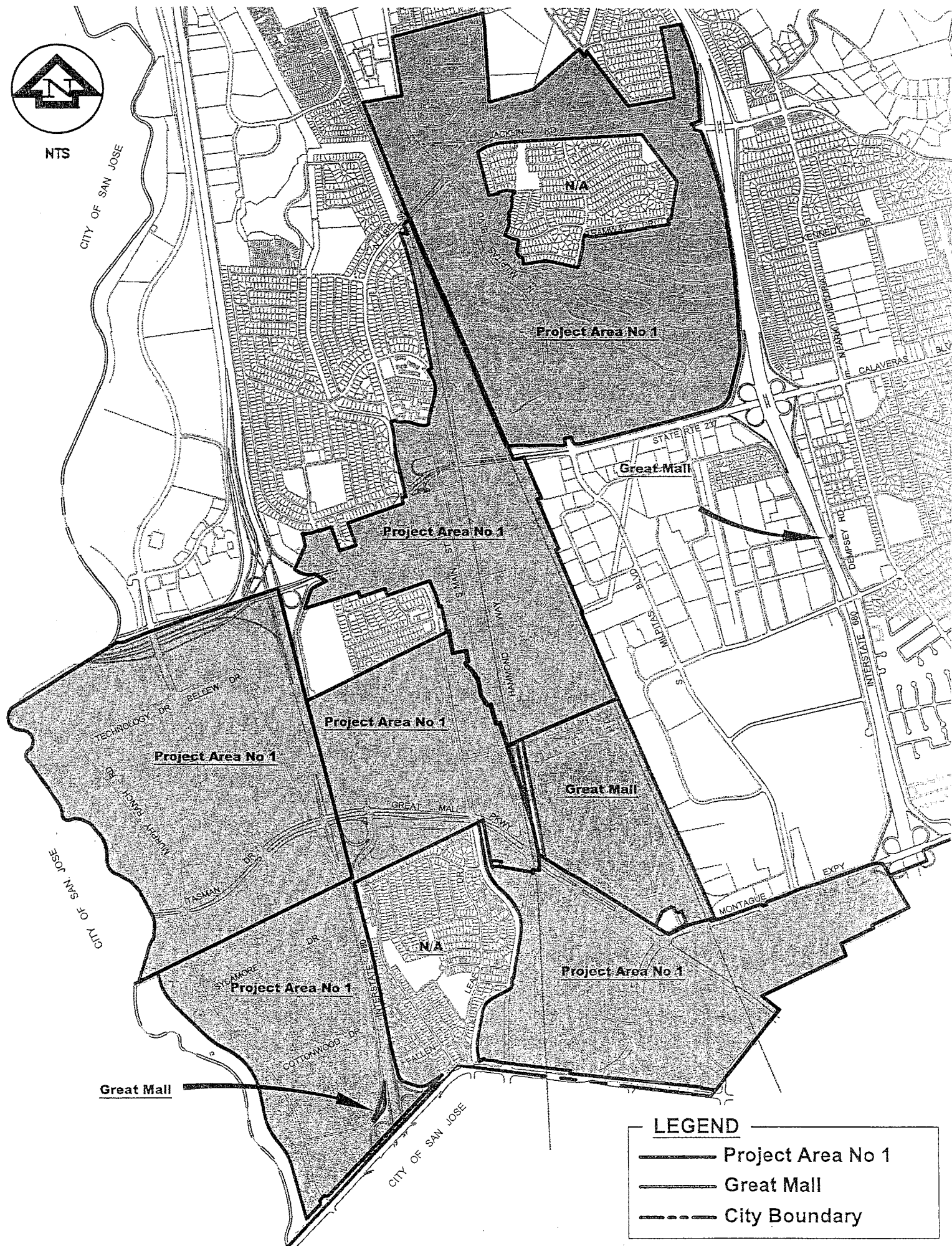
Mary Lavelle  
City Clerk  
City of Milpitas

Publish:      October 19, 2006  
                  October 26, 2006  
                  November 2, 2006  
                  November 9, 2006  
                  November 16, 2006



NTS

CITY OF SAN JOSE



**ATTACHMENT D**

**LETTER TO THE STATE OF CALIFORNIA –  
DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT**



# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, [www.ci.milpitas.ca.go](http://www.ci.milpitas.ca.go)

October 19, 2006

Ms. Lynn L. Jacobs  
Director  
Department of Housing and Community Development  
State of California  
1800 3<sup>rd</sup> Street  
Suite 450  
Sacramento, California 95814

RE: Amendments to the Redevelopment Plans Merging the  
Great Mall Redevelopment Project and Milpitas Redevelopment Project Area No. 1

Dear Ms. Jacobs:

The Redevelopment Agency of the City of Milpitas ("Agency") and the City Council of the City of Milpitas ("City Council") are in the process of considering the adoption of redevelopment plan amendments that would effect the merger ("Merger" or "Amendments") of the Great Mall Redevelopment Project and the Milpitas Redevelopment Project Area No. 1 (together, "Project Areas", "Merged Project Area" or "Projects"). The proposed Merger does not change the boundaries of the Project Areas, add territory to the Project Areas, or change any of the financial or time limits in effect and as stated in the Redevelopment Plans for the respective Projects. The Redevelopment Plan for the Great Mall Project Area does not authorize the Agency to collect tax increment revenue, and the Amendments do not change that status.

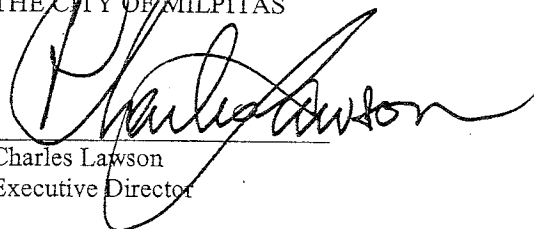
The Merger will allow the Agency to use tax increment that is generated by the Milpitas Project Area No. 1 within both Project Areas in order to allocate the revenue in a manner that will best facilitate the revitalization of blighted areas through increased economic vitality and increased and improved housing opportunities.

In accordance with Section 33488 of the California Community Redevelopment Law, the Department of Housing and Community Development – State of California is hereby notified that it is the Agency's intention to merge the Project Areas. If approved by the City Council, the adoption of the ordinances merging the Project Areas is scheduled to occur by the end of this calendar year.

If you have any questions regarding the proposed Amendments, please contact Diana B. Whitecar, Economic Development Manager at (408) 586-3057.

Sincerely,

REDEVELOPMENT AGENCY OF  
THE CITY OF MILPITAS



Charles Lawson  
Executive Director